THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.7806 of 1996

DATED: 23.03.2006

Between:

Shari Somi Reddy and others. … petitioners.

And

The Govt. of A.P.,

And others. … respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.7806 of 1996

ORDER:

The petitioners claim that their ancestors have purchased various extents of land totaling to about Ac.60.00 in survey No.109/C from one Sri Venkata Krishna Shastry, the original land owner. Their grievance is that the respondents are proposing to dispossess them without initiating any proceedings. They made reference to entries in various revenue records.

On behalf of the respondents counter affidavit is filed. It is stated that the land in

survey No.109/C was held by one Sri M.Venkateshwarlu and that the same was computed as surplus land. A further contention is raised to the effect that the possession of the surplus land is since had been taken by the government.

On receipt of counter affidavit, the petitioners have placed before this Court some material to indicate that though the land was originally in Survey No.109/E, it has become part of survey No.109/C.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners themselves are not certain as to which is the survey number in respect of which they are making claim. The writ petition was filed on the basis that their land is in survey No.109/C. The respondents categorically stated that the petitioners never had any claim, right or interest over the land in survey No.109/C and that the possession had been taken by the government as surplus land. At a later stage, it is sought to be approached as though the land of the petitioners was initially in survey No.109/E and later on it became part of survey No.109/C.

This court finds it very difficulty to record any definite findings on this aspect. The petitioners have to be first sure and certain as to the identity of the land in respect of which they are claiming rights. First of all they have to get a declaration or adjudication from the authority under A.P. Survey and Boundaries Act, as to the identity of the land, which is said to be in their possession. Thereafter, the necessity would arise to verify as to whether the land in survey number so identified is the subject matter of any ceiling proceedings. If, it emerges that the land is the subject matter of any such proceedings, the petitioners have to work out their remedies before the land reforms tribunal or the appellate tribunal, as the case may be.

Therefore, the writ petition is disposed of leaving it open to the petitioners to work out their remedies in accordance with law. Status quo obtaining as on today shall be maintained for a period of two months.

23.3.2006.

mdaa.